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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,749	06/20/2001	Elise Anna Walthera Hendrina Van Den Hoven	NL000372	3507

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/868,749	VAN DEN HOVEN ET AL.	
	Examiner	Art Unit	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed 07/27/04

2. Claims 1-13 are pending.

3. The Drawing filed 07/27/04 is approved.

Specification

4. Restatement of section 6 of previous Office Action.

The specification is objected since it does not contain section headings for different sections.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.
(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-2, 4, and 6-8 are rejected under 35 U.S.C. 101.

Regarding claims 1-2, 4, and 6, the claims claim a device per se and do not positively recite that the device is a technological device. As such, the claim invention is directed to a non-statutory subject matter.

Regarding claim 7, the language of the claims raises questions as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Regarding claim 8, since the claim claims "A computer program product" per se and does not positively recite that the program is stored on a medium that can be read by a machine. As such, the claimed invention is not directed to a machine readable medium or a manufacturer article. Therefore, the claim is directed to a non-statutory subject matter.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 7, and 8/1 (claim 8 that depends on claim 1) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley et al ("Pavley", USP 6317141) in view of Cecco et al ("Cecco", USP 6310631).

Regarding claims 1, 7 and 8/1, Pavley teaches a method (col 2, lines 39-44) and device 100 for browsing an image collection (see Figure 2A; column 2, lines 44-47), comprising browsing means for showing a sequence of representations in a browsing area (area on top of area 140 in which filmstrip 352 displays 4 thumbnail images at a time 350), each representation corresponding to an image from the image collection (each thumbnail corresponds to an image), and display means for showing, in response to a selection of a representation from said sequence ("Mark" the active media object), in a display area 354 an image from the image collection corresponding to the selected representation (object 302), characterized in that the browsing means is arranged to show the sequence by continuously scrolling the sequence in the browsing area (thumbnails 350 scroll across the top of display area 140) (see Fig. 4B and column 8, lines 16-33). Pavley does not teach that each representation has a portion that can be used to select characteristics of the representation. However, such feature is known in

the art as taught by Cecco. Cecco teaches a user interface control to manipulate the displaying of a representation (panes), Cecco further teaches that upon user's selection of portion of the representation (select a border of the pane), the characteristic of the representation is selected (pane is resized) (Fig. 5, col 5, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Pavley and Cecco before him at the time the invention was made, to modify the media editing apparatus taught by Parley to include the selecting characteristic of the representation by selecting a border of the representation taught by Cecco with the motivation being to enable the user to conveniently change or select the characteristic of the representation.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2, 9, and 8/2 (claim 8 that depends on claim 2) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley, Cecco, and Ueda et al (USP 6008812).

Regarding claims 2, 9, and 8/2, Pavley and Cecco teach the invention substantially as claimed as specified in claim 1 above. Cecco teaches the representation is shown together with a border to select the characteristics of the representation further teaches that a representation is shown together with a border

area (pane is resized in response to selection of its border) (Fig. 5, col 5, lines 58-67) Pavley and Cecco do not teach that in response to a selection of a border area of a representation, representations in the sequence belonging to the same category as the representation whose border area is selected. However, such feature is known in the art as taught by Ueda. In the same of accessing image, Ueda teaches an image output characteristic setting device which comprises selecting all image data whose image type is of the same category with the operator's selected image (col 32, lines 59-64). Therefore, it would have been obvious to one of ordinary skill in video/image editing art, having the teaching of Pavley, Cecco, and Ueda before him at the time the invention was made, to modify the media editing apparatus taught by Parley and Cecco to include the selecting all image method taught by Ueda with the motivation being to enable the operator to quickly and conveniently selected images of the same category.

11. Claims 3, 10, and 8/3 (claim 8 that depends on claim 3) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley, Cecco, and Mills et al ("Mills", USP 5237648).

Regarding claims 3, 10, and 8/3, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that the selection of that the selection of a representation comprises dragging the representation from the browsing area to the display area. However, such feature is known in the art as taught by Mills. In the same field of editing video, Mills teaches steps for video editing which comprises the dragging a miniaturized edit frame in the clip list window and releasing it in the video window (see Fig. 4b; column 6, lines 12-18). Therefore, it would have been obvious to one of ordinary skill in video editing art, having the teaching of Pavley and

Mills before him at the time the invention was made, to modify the media editing apparatus taught by Parley to include the dragging edit frame from the clip list window to the video window taught by Mills with the motivation being to greatly simplify of editing video clip sequences (see Mills; column 6, lines 12-9).

12. Claims 4, 11, and 8/4 (claim 8 that depends on claim 4) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley, Cecco, and Yamada et al ("Yamada", USP 6259432).

Regarding claims 4, 11, and 8/4, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that a speed of the scrolling of the sequence is varied in accordance with a speed of an input stroke in the browsing area. However, such feature is known in the art as taught by Yamada. In the same field of graphical user interface, Yamaha teaches an information processing apparatus that can adjust the scrolling speed for data displayed based on a speed of mouse cursor in the display area (column 6, lines 33-47). Therefore, it would have been obvious to one of ordinary skill in graphical user interface art, having the teaching of Pavley and Yamada before him at the time the invention was made, to modify the graphic browsing method taught by Parley to include adjusting the scrolling speed for data displayed based on a speed of mouse cursor in the display area taught by Yamada with the motivation being to enable the Pavley's system to employ the input device to adjust the scrolling speed for data (thumbnails) displayed and to display a visual scrolling speed indicator that enables a user to easily apprehend the scrolling speed (see Yamada, line 64 of column 4 to line 2 of column 5).

13. Claims 5, 12, and 8/5 (claim 8 that depends on claim 5) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley, Cecco, and Soohoo (USP 6211879).

Regarding claims 5, 12, and 8/5, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that a direction of the scrolling of the sequence is varied in accordance with a direction of an input stroke in the browsing area. However, such feature is known in the art as taught by Soohoo. In the same field of graphical user interface, Soohoo teaches a navigation method for navigating and viewing document (comprises graphic; column 1, lines 60-65). Soohoo's teaching comprises scrolling displayed information in a direction in accordance with a direction of an input stroke in the browsing area (when the cursor comes within a particular of an edge of the first window, the document is scrolled) (see Figures 1A and 1B; see column 2,lines 37-46). Therefore, it would have been obvious to one of ordinary skill in graphical user interface art, having the teaching of Pavley and Soohoo before him at the time the invention was made, to modify the graphic browsing method taught by Parley to include scrolling displayed information in a direction in accordance with a direction of an input stroke in the browsing area taught by Soohoo with the motivation being to quickly and easily scroll the browsing area (see Soohoo in column 1, lines 17-19 and 36-42 where Soohoo teaches the advantages of his scrolling method).

14. Claims 6, 13, and 8/6 (claim 8 that depends on claim 6) are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley, Cecco, and Kenny (USP 6437802).

Regarding claims 6, 13, and 8/6, Pavley teaches the invention substantially as claimed as specified in claim 1 above. Pavley does not teach that arranged to show

interleaved in the sequence a representation of a command to be executed when selected. However, such feature is known in the art as taught by Kenney. In the same field of video editing art, Kenny teaches a video editing technique which comprises the interleaving commands with other actions and the executing the commands (column 1, lines 32-61). Therefore, it would have been obvious to one of ordinary skill in video editing art, having the teaching of Pavley and Kenney before him at the time the invention was made, to modify the video editing method taught by Parley to include the interleaving commands with other actions and the executing the commands taught by Kenny with the motivation being to enable a user to view, interact with the device, and edit the playlist (representation sequence) even while the download of the sequence is proceeding (see Kenny, column 1, lines 58-61).

15. Applicant's arguments filed 07/27/04 have been fully considered but they are now moot under new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner.

Kieu Dem Vu